



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,666	01/22/2002	Bernard A. Traversat	5681-07700	8016

7590

01/20/2006

Robert C. Kowert  
Conley, Rose, & Tayon, P.C.  
P.O. Box 398  
Austin, TX 78767

EXAMINER
----------

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/055,666	TRAVERSAT ET AL.	
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20,30-41 and 48-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,30-41 and 48-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1-20, 30-41 and 48-79 are presented for examination. Claims 21-29 and 42-47 are cancelled.

#### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-20, 30-41, 48-79 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application No. 10/055649 [ hereinafter as '649 application ]. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

Taking claim 1 as an exemplary claim, the instant application contains the subject matter claimed in the '649 application. As per claim 1, the applications are claiming common subject matter, as follows:

Art Unit: 2154

A peer computing system, comprising:

a plurality of peer nodes ...;

wherein the plurality of peer nodes are ....

The claims of '649 application do not specifically state service layer as described in the claims of the instant application but it would have been obvious to a person skill in the art to recognize that the mechanism for accessing services of '649 application is the similar in functionality to the service layer of the instant application because it would enable peer nodes to access to resources or services of other nodes within a peer group.

As per independent claims 30, 48, and 66, they are also directed to the same subject matter recited in claim 1 above. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

As per dependent claims 2-20, 31-41, 49-65 and 67-79, they depend on the rejected claims. Accordingly, they are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-13, 15, 17-20, 30-37, 39, 48-59, 61, 63, 65-74, 76 and 78 are rejected under 35 U.S.C. 102(e) as being anticipated by Weisman et al. [ US Patent Application No 2002/0112058 ].

6. As per claim 1, Weisman discloses the invention substantially as claimed including a peer computing system comprising:

a plurality of peer nodes operable to couple to a network [ 108-110, 112, 120-122, Figure 1; and paragraphs 0002 and 0033 ];

wherein the plurality of peer nodes is configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform [ i.e. peer networking framework ] [ 100, 102, Figure 1; Abstract; and paragraphs 0005-0007 ] comprising:

a core layer comprising one or more peer-to-peer platform protocols [ i.e. peer networking protocols , i.e. uPnP, JINI, HAVI ] [ paragraphs 0002 and 0033 ] for enabling the plurality of peer nodes to discover each other, communicate with each other [ i.e. discovery API ] [ 130, Figure 1; paragraphs 0038, 0043, 0045; and claim 1 ], and cooperate with each other to

Art Unit: 2154

form peer groups and share content in the peer-to-peer environment [ i.e. provide servicing for the registered services from other peer networked devices ] [ paragraphs 0044, 0045, 0085, 0803 and 0804 ];

a service layer comprising one or more services each provided by one or more of the plurality of peer nodes in the peer-to-peer environment [ i.e. service control API ] [ 132, Figures 1 and 9; and paragraphs 0113-0117 ], wherein at least a subset of the services are operable to be used by the plurality of peer nodes in forming the peer groups and participating in the peer groups [ i.e. service objects ] [ Figure 4; and paragraphs 0062-0065 ], and wherein each of the one or more services are configured to be accessed by the plurality of peer nodes in accordance with at least one of the one or more peer-to-peer platform protocols [ i.e. hosted devices register service object with the framework for each service they provide that is to be controllable through the peer networking protocol ] [ paragraph 0006 ]; and

a unique peer identifier [ i.e. UDN contains an identifier unique to the device description, UUID ] [ paragraphs 0057 and 0184 ], wherein the peer identifier is configured for use in distinguishing the particular peer node from others of the plurality of peer nodes in the peer-to-peer environment [ i.e. UDN assigned to each of devices ] [ paragraphs 0067, 0468-0470 ], wherein the peer identifier is independent of a network address of the particular peer node [ paragraphs 0184 and 0572 ].

7. As per claim 2, Weisman disclose wherein each of the plurality of peer nodes is further configured to bind a peer identifier corresponding to the particular peer node to a network address of the particular peer node [ paragraphs 0818-0824 ].

8. As per claim 3, Weisman discloses wherein each of the plurality of peer nodes is further configured to access another of the plurality of peer nodes on the network using the unique peer identifier of the other peer node, wherein the peer node does not use a network address of the other peer node to access the other peer node [ paragraphs 0863-0904 ].

9. As per claim 4, Weisman discloses wherein, to access the other peer node, the unique peer identifier of the other peer node is configured to be mapped to a network address of the other peer node [ paragraphs 0136 and 0137 ].

10. As per claim 5, Weisman discloses wherein, to access the other peer node, the unique peer identifier of the other peer node is configured to be mapped to one of one or more network interfaces of the other peer node [ paragraphs 0007 and 0063 ].

11. As per claim 6, Weisman discloses wherein each of the plurality of peer nodes is further configured to: unbind the peer identifier corresponding to the peer node from the network address; obtain a new network address; and bind the peer identifier corresponding to the peer node to the new network address [ i.e. registered and unregistered ] [ paragraphs 0096 and 0097 ].

12. As per claim 7, Weisman discloses wherein each peer identifier is further configured for use in determining a particular peer group in which a particular peer node corresponding to the peer identifier is a member peer [ i.e. subscriber list ] [ paragraphs 0107 and 0206 ].

13. As per claim 8, Weisman discloses wherein each of the plurality of peer nodes is further configured to participate as a member peer in one or more peer groups in the peer-to-peer environment [ i.e. add subscriber ] [ paragraphs 0164-0168 ], and wherein each of the plurality of peer nodes is assigned a different unique peer identifier in accordance with the peer-to-peer platform for each of the one or more peer groups in which the peer node is a member peer [ i.e. container identifier ] [ paragraphs 0085, 0105, and 0489 ].

14. As per claim 9, Weisman discloses wherein each of the plurality of peer nodes is further configured to: participate as a member peer in a plurality of peer groups in the peer-to-peer environment [ paragraphs 0164-0168 ]; receive a message from another of the plurality of peer nodes, wherein the other peer node is a member peer in a particular one of the plurality of peer groups in which the peer node is a member peer, and wherein the message includes a peer identifier of the other peer [ i.e. request ]; and determine the particular one of the plurality of peer groups in which the other peer is a member peer from the peer identifier of the other peer [ paragraphs 0376-0405 ].

15. As per claim 10, Weisman discloses wherein the message specifies a resource hosted by the peer node, wherein the peer node hosts a plurality of instances of the resource, wherein each



Art Unit: 2154

of the instances of the resource is hosted for a different one of the plurality of peer groups, and wherein the peer node is further configured to access in accordance with the message a particular one of the instances of the resource hosted for the particular one of the plurality of peer groups in which the other peer node is a member peer [ i.e. identifying service instances ] [ paragraphs 0131-0137 ].

16. As per claim 11, Weisman discloses wherein the resource is a service, and wherein the instance of the resource is an instance of the service implemented on the peer node [ paragraphs 0036 and 0066 ].

17. As per claim 12, Weisman discloses wherein the peer-to-peer platform defines a peer advertisement format for describing and publishing advertisements for peer nodes in the peer-to-peer environment, wherein each of the plurality of peer nodes is further configured to generate a peer advertisement for the particular peer node, wherein the peer advertisement includes a peer identifier for the peer node [ i.e. discover advertisement ] [ paragraphs 0848-0860 ].

18. As per claim 13, Weisman discloses a plurality of resources accessible by the plurality of peer nodes in the peer-to-peer environment, wherein each resource corresponds to a unique resource identifier configured for use in distinguishing the particular resource from other resources of the plurality of resources in the peer-to-peer environment [ i.e. unique service name ] [ paragraphs 0134-0137; and 0894-0904 ].

Art Unit: 2154

19. As per claim 15, it is rejected for similar reasons as stated above in claim 12.

Furthermore, Weisman discloses wherein each of the plurality of peer nodes is further configured to: host a plurality of resources accessible by the plurality of peer nodes in the peer-to-peer environment; and generate a resource advertisement for each resource corresponding to the particular peer node in accordance with the peer-to-peer platform, wherein at least a subset of the resource advertisements each include a peer identifier of the peer node [ i.e. the device advertises its services ] [ paragraphs 0813 and 0840 ].

20. As per claim 17, it is rejected for similar reasons as stated above in claims 12 and 13.

21. As per claim 18, Weisman discloses wherein the one or more peer-to-peer platform protocols includes one or more of:

a peer discovery protocol for discovering resources in the peer-to-peer environment, wherein the resources include one or more of peer nodes, peer groups, content, services, applications, pipes, and pipe endpoints, wherein pipes are communications channels between two or more peer nodes in the peer-to-peer environment;

a peer membership protocol for use by the peer nodes in applying for membership in the peer groups;

a peer resolver protocol for use in sending search queries from one peer group member to another peer group member;

a peer information protocol for enabling the peer nodes to obtain information about capabilities and status of other peer nodes in the peer-to-peer environment;

a pipe binding protocol for use in finding the physical location of pipe endpoints and binding the pipe endpoints, wherein pipes are communications channels between two or more peer nodes in the peer-to-peer environment, and wherein pipe endpoints are network interfaces on the peer nodes that are configured to be bound to the pipes to establish the communications channels; and

an endpoint routing protocol for enabling the peer nodes to request peer routing information to reach the other peer nodes [ i.e. discovery, description, event and control protocols ] [ paragraphs 0034, 0050 ].

22. As per claim 19, Weisman discloses wherein the unique peer identifier of one of the plurality of peer nodes is formatted in accordance with a canonical representation scheme, and wherein the unique peer identifier of a different one of the plurality of peer nodes is formatted in accordance with a different canonical representation scheme [ i.e. device description scheme ] [ paragraphs 0054, 1100-1106 ].

23. As per claim 20, Weisman discloses wherein the one of the plurality of peer nodes is a member peer in a peer group, wherein member peers in the peer group are configured to use the canonical representation scheme to format unique peer identifiers within the peer group, wherein the different one of the plurality of peer nodes is a member peer in a different peer group, and wherein member peers in the different peer group are configured to use the different canonical representation scheme to format unique peer identifiers within the different peer group [ paragraphs 0349-0355, and 0880-0995 ].

24. As per claims 30-37 and 39, they are rejected for similar reasons as stated above in claims 1-13, 15-20.

25. As per claims 48-59, 61, 63 and 65, they are rejected for similar reasons as stated above in claims 1-13, 15-20.

26. As per claims 66-74, 76 and 78, they are rejected for similar reasons as stated above in claims 1-13, 15-20.

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 14, 16, 38, 40, 41, 60, 62, 64, 75, 77 and 79, are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisman et al. [ US Patent Application No 2002/0112058 ], in view of Ferguson et al. [ US Patent No 6,490,618 ].

29. As per claim 14, Weisman discloses wherein the plurality of resources include one or more of peer groups, content, services, applications, pipes, and pipe endpoints [ i.e. host services

Art Unit: 2154

] [ Abstract; and paragraphs 0004 and 0036 ]. Weisman does not specifically disclose wherein pipes are communications channels between two or more peer nodes in the peer-to-peer environment, and wherein pipe endpoints are network interfaces on the peer nodes that are configured to be bound to the pipes to establish the communications channels. Ferguson discloses wherein pipes are communications channels between two or more peer nodes in the peer-to-peer environment, and wherein pipe endpoints are network interfaces on the peer nodes that are configured to be bound to the pipes to establish the communications channels [ i.e. establish pipe connections ] [ col 5, lines 37-64 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Weisman and Ferguson because Ferguson's teaching of pipe connections would allow to establish communication between different networks.

30. As per claim 16, it is rejected for similar reasons as stated above in claim 14.

31. As per claims 38, 40, 41, 60, 62, 64, 75, 77 and 79, they are rejected for similar reasons as stated above in claim 14.

32. Applicant's arguments with respect to claims 1-20, 30-41, 48-79 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2154

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen  
Examiner  
Art Unit 2154

 JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100